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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/020,882

12/19/2001

Sheldon Tobe

PT-1949001

8815

23607 7590 10/26/2007
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EXAMINER

PAK, JOHN D

ART UNIT

PAPER NUMBER

1616

MAIL DATE

DELIVERY MODE

10/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Rule 312 Communication	Application No.	Applicant(s)	
	10/020,882	TOBE, SHELDON	
	Examiner	Art Unit	
	JOHN PAK	1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 17 October 2007 under 37 CFR 1.312 has been considered, and has been:


- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

Applicant seeks to amend the specification disclosed amount of magnesium chloride from 2.05 ± 0.2 g/l to 0.96 ± 0.09 g/l. Applicant provides numerous calculations in an attempt to show why this error would have been immediately evident to a person skilled in the art. The Examiner cannot agree.

The problem is that the numbers are not precise. The specific numbers used by applicant could be off by some percentage depending on the exact number used for dilution factor, exact number used for molecular weight, rounding off, etc. The specific numbers proposed by the amendment would not have been readily envisaged because such numbers depend on too many calculation factors. Unambiguous derivation of the magnesium amount was not shown by applicant.


 JOHN PAK
 PRIMARY EXAMINER
 GROUP 1600